TRANSLATION PATENT COOPERATION TREATY POT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/44135-PCT				FOR FURTHER ACTION See Form PCT/IPEA/416		See Form PCT/IPEA/416					
International application No.				International filing da	te (day/month/year)	Priority date (day/month/year)					
PCT/EP2004/012231				28.10.200	4	29.10.2003					
Internation	nal Paten	t Classification	(IPC) or natio	onal classification and	IPC						
International Patent Classification (IPC) or national classification and IPC D06P3/32, D06P1/38, C09B62/453											
DOGE 3/ 32, DOGE 1/30, CO3B02/ 433											
Applicant											
BASF AKTIENGESELLSCHAFT											
	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.						У				
2.	This REF	PORT consists of	of a total of	6	sheets, includ	ling this cover sheet.					
3.	This repo	ort is also accon	npanied by Al	NNEXES, comprising:							
	a. 🛚	(sent to the a	pplicant and	to the International Bu	reau) a total of 2	sheets, as follows:					
						n amended and are the basis for this report and/o					
		sheets Instruct		ctifications authorized	by this Authority (see l	Rule 70.16 and Section 607 of the Administrativ	e				
			_			onsiders contain an amendment that goes beyone					
		the dise Box.	closure in the	international applicat	ion as filed, as indicat	ed in item 4 of Box No. I and the Supplementa	ıl				
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	-	related thereto.	in computer	readable form only, a	s indicated in the Supr	, containing a sequence listing and/or tables plemental Box Relating to Sequence Listing (see					
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4.	This repo	ort contains indi	cations relatir	ng to the following iten	ns:						
	В	Box No. I	Basis of the	report							
	В	Box No. II	Priority								
	В	Box No. III	Non-establis	shment of opinion with	regard to novelty, inve	entive step and industrial applicability					
[В	Box No. IV	Lack of unit	y of invention							
	В	Box No. V	Reasoned sta	atement under Article	35(2) with regard to no	velty, inventive step or industrial applicability;					
 	_		citations and	l explanations supporti	ng such statement						
	ЫВ	Box No. VI	Certain docu	uments cited							
ן נ	В	Box No. VII	Certain defe	cts in the international	application						
L	В	Box No. VIII	Certain obse	ervations on the interna	tional application						
Date of submission of the demand					Date of completion of	this report					
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Name and mailing address of the IPEA/EP					Authorized officer						
Faccimila No.					Talanhana Na						

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International application No.
PCT/EP2004/012231

Box No. I Basis of the report With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item. This report is based on translations from the original language into the following language ___ which is the language of a translation furnished for the purposes of: international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4) international preliminary examination (Rule 55.2 and/or 55.3) With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the international application as originally filed/furnished the description: as originally filed/furnished received by this Authority on received by this Authority on the claims: as originally filed/furnished as amended (together with any statement) under Article 19 29.10.2005 with letter 1,13 received by this Authority on of 28.10.2005 received by this Authority on the drawings: as originally filed/furnished sheets received by this Authority on sheets* _____ received by this Authority on ____ sheets* a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing. The amendments have resulted in the cancellation of: the description, pages the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)). the description, pages ___ the claims, nos. the drawings, sheets/figs the sequence listing (specify): any table(s) related to sequence listing (specify): If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.
PCT/EP2004/012231

Box	No. V			ticle 35(2) with regard to novelty, inventive step or industrial applicability; oporting such statement	
1.	Statement			-	
	Novelty (N)		Claims	1-20	YES
			Claims		_ NO
	Inventive step (IS)		Claims	1-20	YES
			Claims		_ NO
	Industrial applicability (IA)		Claims	1-20	YES
			Claims		_ NO
2.	Citations and	d explanations (Rule 70	0.7)		
	1 This report makes reference to the following				
	_	document:	i i i i i i i i i i i i i i i i i i i	res reference to the refrainting	
		accamenc.			
		D1: EP-A-	-0 88	7 386 (CIBA SPECIALTY CHEMICALS	
				NC) 30 December 1998 (1998-12-30)	
	2	INDEPENDE	NT CL	AIM 1	
		D1 is cons	sider	ed to be the prior art closest to	
	the subject mat		ct ma	tter of claim 1. D1 (see dye of	
		formula 10)5 an	d dying instructions II to V)	
		discloses	a me	thod of dying cotton fabrics at a pH	
		value abov	ле 11	by means of a dye which contains	
		activatab	le gr	oups that correspond to formula A of	
		the presen	nt cl	aim 1.	
		Thus the	subje	ct matter of claim 1 differs from	
		the known	meth	od in that leather is dyed, and in	
		that the	dying	process takes place at a pH value	
		of 7.5 to	11.		
		The subject	ct ma	tter of 1 is therefore novel (PCT	
		Article 33	3(2))	•	

The problem to be solved by the present invention

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

can therefore be regarded as that of providing a method for dying leather.

The solution to this problem as proposed in claim 1 of the present application involves an inventive step to the following reasons (PCT Article 33(3)): D1 states that the dyes described therein are suitable for dying leather (see page 8, lines 18-24); however, a person skilled in the art would dye the leather according to the examples in D1, i.e. at a pH value of above 11, or under conditions typical for leather, i.e. at slightly acidic pH values. The applicant has shown in additional experiments that the use of dye F at slightly acidic pH values leads to leather with poor perspiration resistance, whereas the use of dye F at pH values between 7.5 and 11 leads to leather with better perspiration resistance. In contrast thereto, dying leather under the conditions specified in D1 (10 g/l calcinated soda) damages the leather.

3 DEPENDENT CLAIMS 2 TO 12

Claims 2 to 12 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.

4 INDEPENDENT CLAIM 13

D1 is considered to be the prior art closest to the subject matter of claim 13. D1 (see dye of formula 105 and dying instructions II to V) discloses the use of dyes F according to the

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

present claim 1 for dying cotton fabrics at a pH value above 11.

Thus the subject matter of 13 differs from the

Thus the subject matter of 13 differs from the known use in that leather is dyed, and in that the dying process is carried out at a pH value of 7.5 to 11.

The subject matter of claim 13 is therefore novel (PCT Article 33(2)).

The subject matter of claim 13 involves an inventive step for the reasons mentioned above.

5 INDEPENDENT CLAIMS 14 AND 15

D1 is considered to be the prior art closest to the subject matter of claims 14 and 15. D1 (see page 2, lines 20-38, and dye of formula 105) discloses dyes from which the subject matter of claims 14 and 15 differs in that the group Tk¹ is a diphenyl, diphenylmethane, 2-phenylimidazol, phenylsulfonylbenzene, phenylaminosulfonylbenzene, diphenylamine, stilbene or phenylaminocarbonylbenzene group. The subject matter of claims 14 and 15 is therefore novel (PCT Article 33(2)).

The problem to be solved by the present invention can therefore be regarded as that of providing alternative dyes.

The solution to this problem as proposed in claims 14 and 15 of the present application involves an

HIL	PCT/E	P2004/012231				
Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
	inventive step for the following reasons (PCT					
	Article 33(3)): D1 does not mention anything that					
	would suggest using the aforementioned ${ m Tk}^1$ groups					
	instead of the (optionally substituted) phenyl					
	group mentioned in D1 in the dye.					
6.	DEPENDENT CLAIMS 16 TO 18					
	Claims 16 to 18 are dependent on claims 14	or 15				
	and therefore also meet the PCT requirement	ts for				
	novelty and inventive step.					
7.	INDEPENDENT CLAIMS 19 AND 20					
	The applicant has shown in additional expe	riments				
	that the method according to the present c	laim 1				
	leads to leather with better perspiration					
	resistance.					
	The subject matter of claims 19 and 20 is					
	therefore novel (PCT Article 33(2)).					
	The subject matter of claims 19 and 20 invo	olves an				
	inventive step for the reasons mentioned al	oove.				